



Docket No: 110.0123 0101

## DECLARATION AND POWER OF ATTORNEY

We, Martin Blumenfeld, Joseph J. Talghader, and Mark A. Sanders, declare that: (1) our respective citizenships and mailing addresses are indicated below; (2) we have reviewed and understand the contents of the specification identified below, including the claims, as amended by any amendment specifically referred to herein, (3) we believe that we are the original, first, and joint inventors of the subject matter in

### DIRECT MAPPING OF DNA CHIPS TO DETECTOR ARRAYS

Filing Date: November 4, 1999

Serial No.: 09/434,027

described and claimed therein and for which a patent is sought; and (4) we hereby acknowledge our duty to disclose to the United States Patent and Trademark Office all information known to us to be material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate listed below, or §365(a) of any PCT international application which designates at least one country other than the United States of America listed below, and have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on the basis of which priority is claimed:

- a.  no such applications have been filed.
- b.  such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC §119(a)-(d), §365(a), and/or §365(b)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

We hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

- a.  no such applications have been filed.  
b.  such applications have been filed as follows:

PROVISIONAL APPLICATION(S), IF ANY, UNDER 35 USC §19(e)	
APPLICATION NUMBER	DATE OF FILING (day, month, year)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or §365(c) of any PCT international application(s) designating the United States of America, listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

- a.  no such applications have been filed.  
b.  such applications have been filed as follows:

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

We hereby appoint Ann M. Mueting (Reg. No. 33,977), Kevin W. Raasch (Reg. No. 35,651), Mark J. Gebhardt (Reg. No. 35,518), Mark A. Hollingsworth (Reg. No. 38,491), Victoria A. Sandberg (Reg. No. 41,287), David L. Provence (Reg. No. 43,022), Matthew W. Adams (Reg. No. 43,459), and Loren D. Albin (Reg. No. 37,763) our attorneys and agents with full powers (including the powers of appointment, substitution, and revocation) to prosecute this application and any division, continuation, continuation-in-part, reexamination, or reissue thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence in this case to:

Attention: Ann M. Mueting  
Mueting, Raasch & Gebhardt, P.A.  
P.O. Box 581415  
Minneapolis, MN 55458-1415  
Telephone No. (612) 305-1220  
Facsimile No. (612) 305-1228

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

*Declaration and Power of Attorney*

Serial No. 09/434,027

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Title: DIRECT MAPPING OF DNA CHIPS TO DETECTOR ARRAYS

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Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, we pray that Letters Patent be granted to us for the invention described and claimed in the specification identified above and we hereby subscribe our names to the foregoing specification and claims, Declaration and Power of Attorney, on the date indicated below.

*Martin Blumenfeld*

1/25/2000

Name Martin Blumenfeld

Date

Citizenship: USA

Post Office/Mailing Address: 3501 Washburn Avenue South, Minneapolis, MN 55410

*3501 W. B. S.*



JEFFREY T. SCHaub  
NOTARY PUBLIC - MINNESOTA  
MY COMMISSION EXPIRES  
JANUARY 31, 2005

Name Joseph J. Talghader

Date

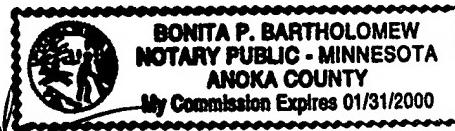
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01-27-2000

*Bonita P. Bartholomew*

*M. A. Sanders*

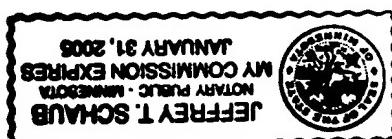


Name Mark A. Sanders

Citizenship: USA

Post Office/Mailing Address: 1031 27<sup>th</sup> Avenue SE, Minneapolis, MN 55414

*J.T. 1/25/00*



**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



Docket No. 110.012301

NONPROFIT ORGANIZATIONVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(e) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Regents of the University of Minnesota  
ADDRESS OF ORGANIZATION: 600 Gateway, 200 Oak Street SE  
Minneapolis, MN 55455

TYPE OF ORGANIZATION: \_\_\_\_\_

- a)  UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
 b)  TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3))  
 c)  NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA - (NAME OF STATE \_\_\_\_\_)  
     (CITATION OF STATUTE \_\_\_\_\_)  
 d)  WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA  
 e)  WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA - (NAME OF STATE \_\_\_\_\_)  
     (CITATION OF STATUTE \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in regard to the invention, entitled DIRECT MAPPING OF DNA CHIPS TO DETECTOR ARRAYS by inventor(s) Martin Blumenfeld, Joseph J. Talghader, and Mark A. Sanders described in

- a)  the specification filed herewith.  
 b)  application serial no. 09/434,027, filed November 4, 1999.  
 c)  patent no.       , issued       .

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention attesting to their status as small entities. (37 C.F.R. 1.27)

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME Anthony L. SCHAFFNER  
 TITLE Acting Assistant Vice President, Patents & Technology Marketing  
 ADDRESS 600 Gateway, 200 Oak Street SE, Minneapolis, MN 55455

DATE 2-3-00SIGNATURE